

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Gontum Road 1100 ft. +/-
E. of c/l Mt. Vista Road
11825 Gontum Road
11th Election District
5th Councilmanic District
Howard E. Neels, et ux
Petitioners

• BEFORE THE
• ZONING COMMISSIONER
• OF BALTIMORE COUNTY
• Case No. 94-8-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Howard E. Neels and Barbara J. Neels for that property known as 11825 Gontum Road in the Batter Brook Farm subdivision of Baltimore County. The Petitioners herein seek a variance from Sections 1A04.3, B.3 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Section 400.1.d.2 of the Zoning Commissioner's Policy Manual to permit an accessory structure (existing garage) setback of 30 ft., in lieu of the required 75 ft. from the centerline of the road, and to permit a height of 28 ft. in lieu of the required 15 ft. All as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of August, 1993 that the Petition for a Zoning Variance from Sections 1A04.3.B.3 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 400.1.d.2 of the Zoning Commissioner's Policy Manual to permit an accessory structure (existing garage) setback of 30 ft., in lieu of the required 75 ft. from the centerline of the road, and to permit a height of 28 ft., in lieu of the required 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. There shall be no service garage work performed within the structure or on the subject property at any time.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 18, 1993

Mr. and Mrs. Howard E. Neels
11825 Gontum Road
Kingsville, Maryland 21087

RE: Petition for Administrative Variance
Case No. 94-8-A
Property: 11825 Gontum Road

Dear Mr. and Mrs. Neels:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 11825 Gontum Rd Kingsville MD 21087
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1, et. 1A04.3.B.3, 400.3, Sec. 400.1.d.2 to permit an accessory structure set back of 30' in lieu of the required 75' from the centerline of the road and to permit a height of 28' in lieu of the required 15'.

1. No uniformity with existing stone structures near property line.
2. Will be to maximize use of agricultural property.
3. To proximity to town house as use is going forward.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): Howard E. Neels
Type or Print Name: Howard E. Neels
Signature: Howard E. Neels

Address: 11825 Gontum Rd
City: Kingsville State: MD Zipcode: 21087

Signature: Barbara J. Neels
Type or Print Name: Barbara J. Neels

Address: 11825 Gontum Rd
City: Kingsville State: MD Zipcode: 21087

Signature: [Signature]
Type or Print Name: [Name]

Address: [Address]
City: [City] State: [State] Zipcode: [Zipcode]

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County this 18th day of August, 1993, that the matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

Reviewed by: R.T. Date: 7-6-93
Estimated Posting Date: 7-25-93

Item #: 9

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 11825 Gontum Rd
Kingsville, MD 21087

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (include language or precise affidavit)

No uniformity with existing stone structures near property line.

Will be to maximize use of agricultural property.

To proximity to town house for use as garage and work shop for farm.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Howard E. Neels
Barbara J. Neels

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 19th day of May, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Howard E. Neels & Barbara J. Neels

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

My Commission Expires: 3/13/94

EXAMPLE 3 - Zoning Description

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 11825 GONTUM RD
(address)

Election District 11 Councilmanic District 5

Beginning at a point on the SOUTH side of (north, south, east or west)

GONTUM RD which is 40' (street on which property fronts) (number of feet of right-of-way width)

wide at a distance of 100' EAST of the (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street MT. VISTA RD. (name of street)

which is 50' wide. *Being Lot # 55 (number of feet of right-of-way width)

Block Section in the subdivision (name of subdivision)

as recorded in Baltimore County Plat (name of subdivision)

Book # Folio # containing (square feet and acres)

2716 AC. ITEM # 9

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber # Folio # and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft.. S.18 27' 03" E.87.2 ft.. S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 7/19/93

Posted for: Variance

Petitioner: Howard E. Neels

Location of property: 11825 Gontum Rd, 94 1100's E/Mt Vista Rd

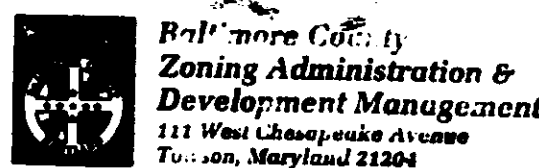
Location of Sign: Posted at entrance of Gontum Rd & Mt Vista Rd

N.W. corner west with no road, about 100 ft.

Remarks: [Signature] to 11825

Posted by: [Signature] Date of return: 7/22/93

Number of Signs: 1



7-6-93

HOWARD E. NEELS

11825 GONTUM RD

KINGSVILLE MD. 21087

010 - VARIANCE \$50.00

050 - SIGN \$35.00

TOTAL - \$85.00

NEELS

02A0280326NCHRC

Please Make Checks Payable To: Baltimore County

0011:18A07-06-93

885.00

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

July 23, 1993

(410) 887-3353

Mr. and Mrs. Howard E. Neels
11825 Gontum Road
Kingsville MD 21087

RE: Item No. 9, Case No. 94-8-A
Petitioner: Howard E. Neels, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Neels:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 6, 1993, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

7-15-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: BALTIMORE CO.
Item No: * 9 (RT)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Zoning Advisory Committee
FROM: Captain Jerry Pfeiffer
SUBJECT: July 26, 1993 Meeting

DATE: July 16, 1993

- #8 No Comments
#9 No Comments
#11 No Comments
#12 Buildings shall comply with the 1991 Life Safety Code.
Fire hydrant locations need to be shown.
#13 Building shall comply with the 1991 Life Safety Code.
#14 No Comments
#15 No Comments
#16 No Comments

RECEIVED
JUL 28 1993

ZADM

Helene Kehring

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 29, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 9, 11, 12, 18, 19, 21, 24, 25, 26, 29, 32, 33, 34, 37 and 39.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long

Division Chief: Gary L. Kerns

PK/JL:lw

ZAC:9/ZAC1

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 6, 1993

Howard and Barbara Neels
11825 Gontum Road
Kingsville, Maryland 21087

Re: Case Number: 94-8-A
11825 Gontum Road
11th Election District 5th Councilmanic

Dear Petitioners:

It has been determined by the Zoning Commissioner's Office that this matter should be set in for public hearing. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in a newspaper of general circulation. This office will have the sign posted and place the newspaper ad for you.

Posting charges in the amount of \$35.00 are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

Please be further advised that non-payment of fees will stay the issuance of the Zoning Commissioner's Order.

If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

Arnold Jablon

ARNOLD JABLON, DIRECTOR

AJ:ggs

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 15, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Howard E. Neels and Barbara J. Neels
11825 Gontum Road
Kingsville, Maryland 21087

Re: CASE NUMBER: 94-8-A (Item 9)
11825 Gontum Road (formerly a portion of 5940 Mt. Vista Road)
9/8 Gontum Road, 11825 Gontum Road, 11th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 18, 1993. The closing date (August 2, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

Note to file:

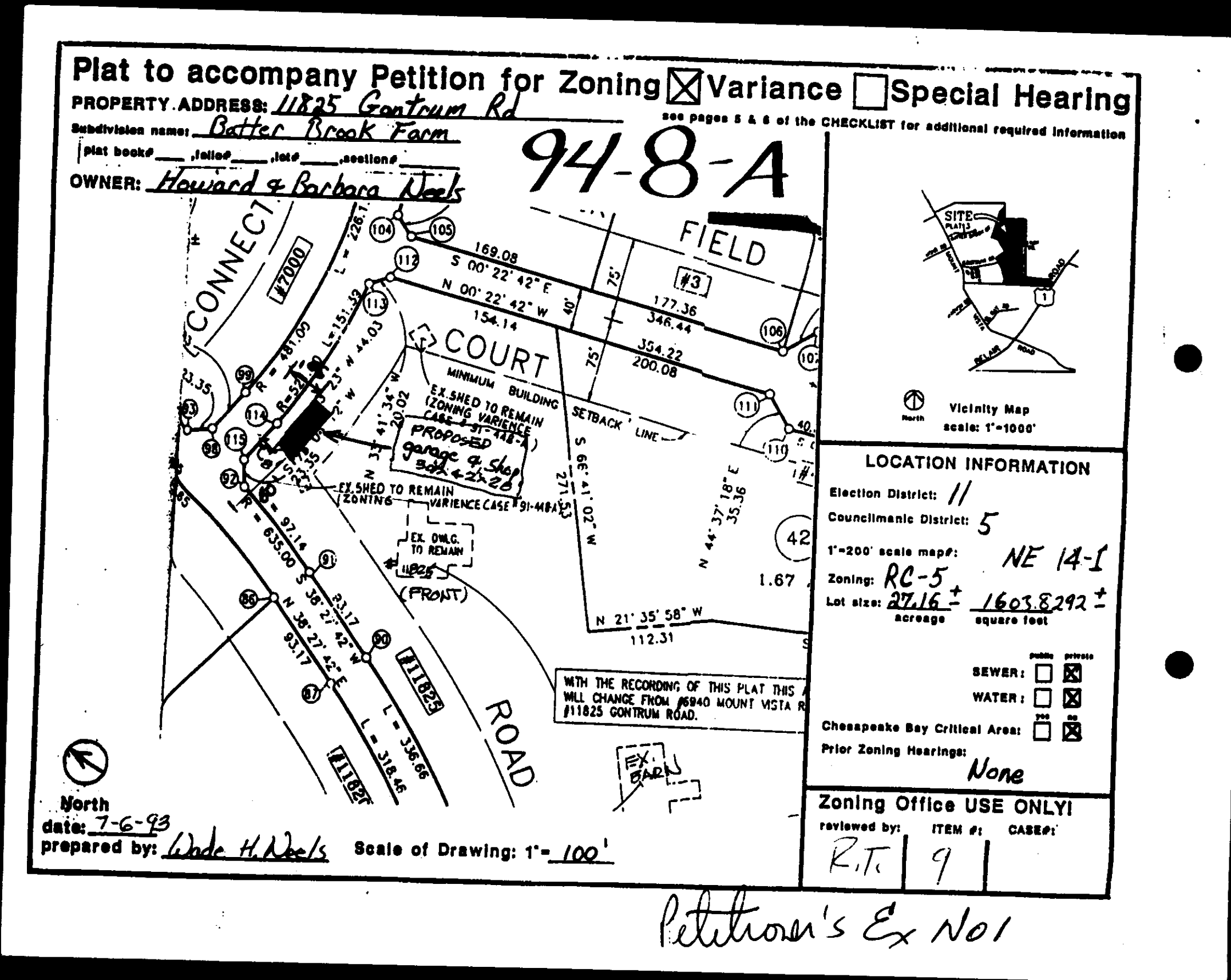
Petitioner's basis of practical difficulty is unclear. None of comments offered by petitioner state to need for setback + for height increase. Proposed structure is very large. What is the need?

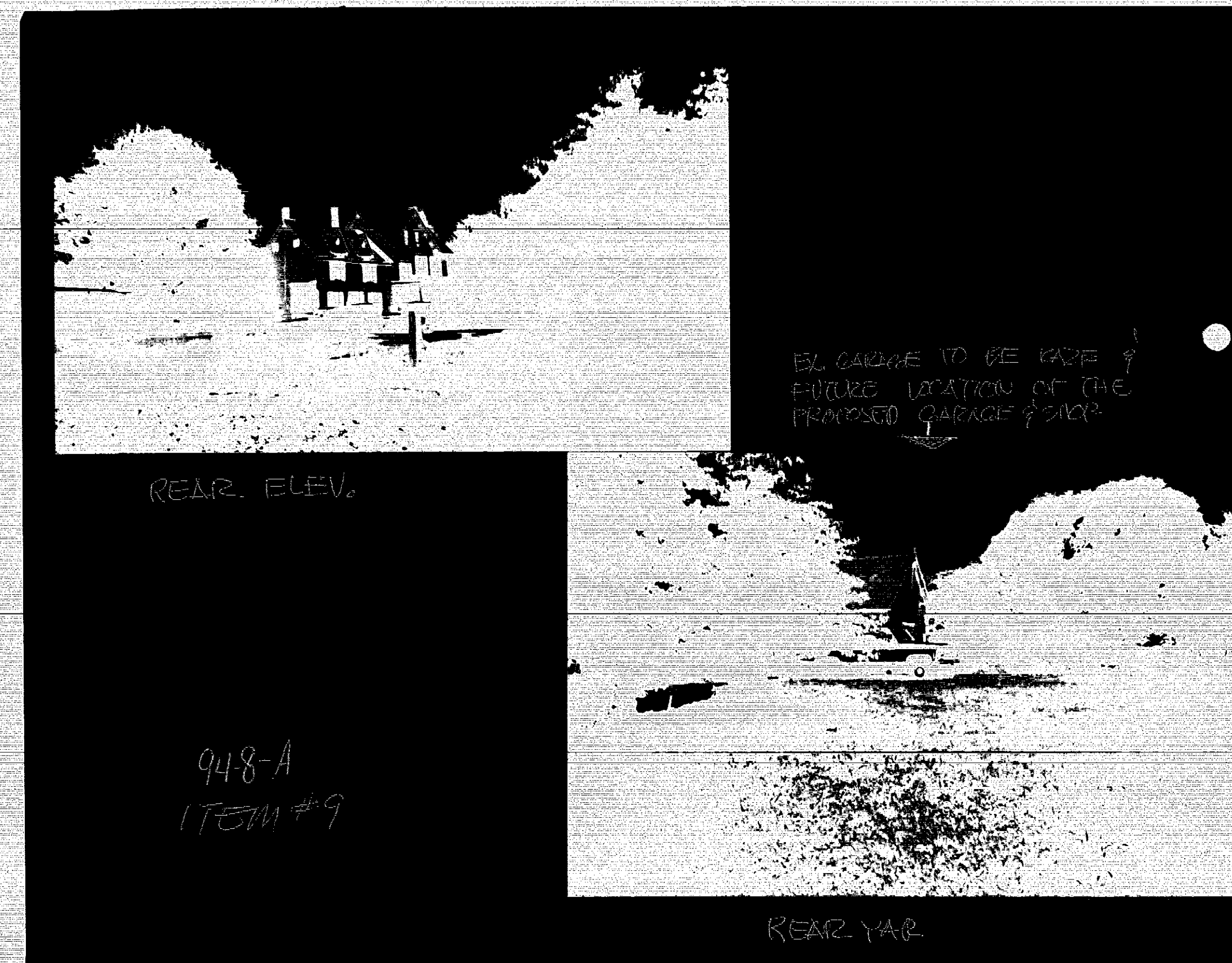
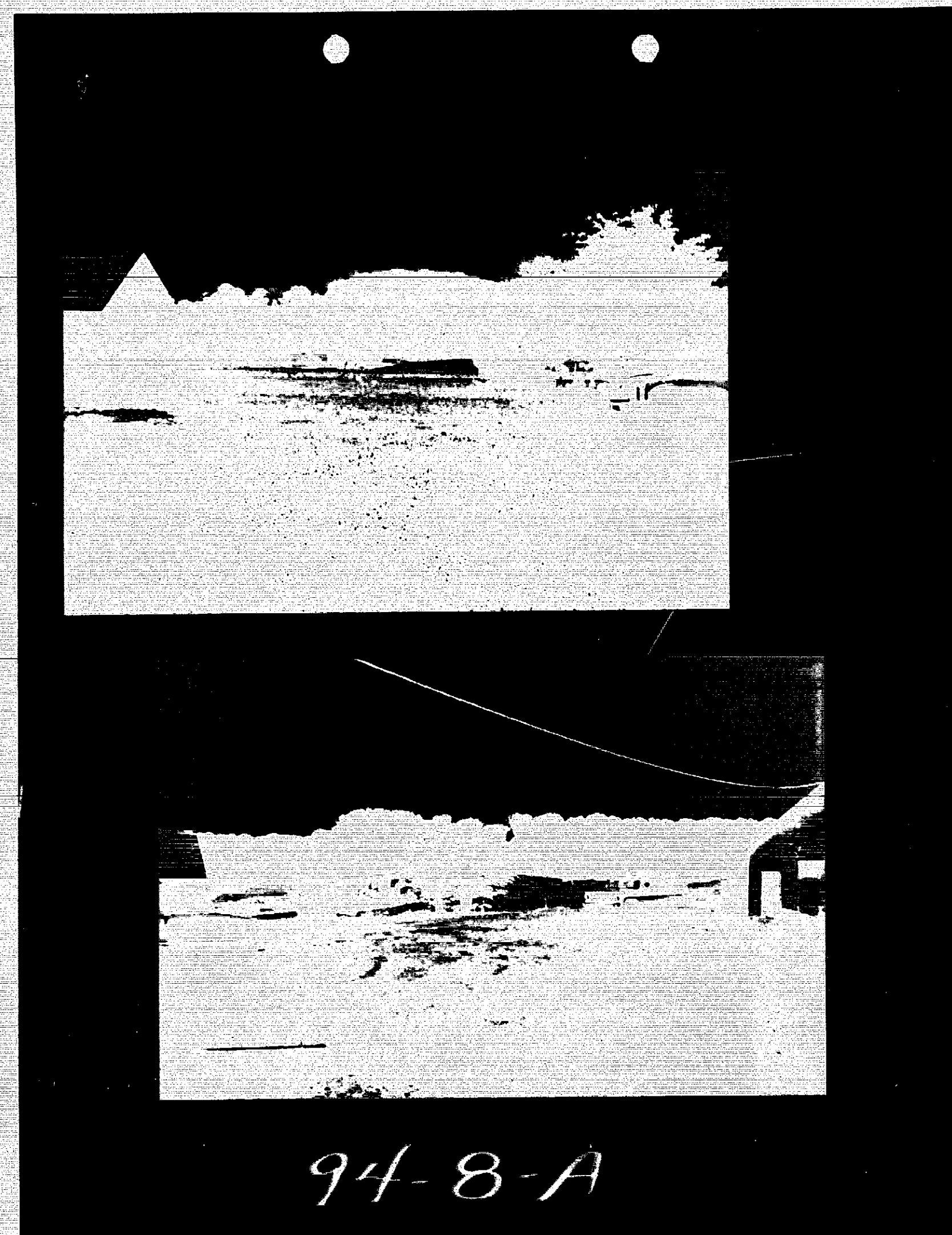
SET IN FOR HEARING

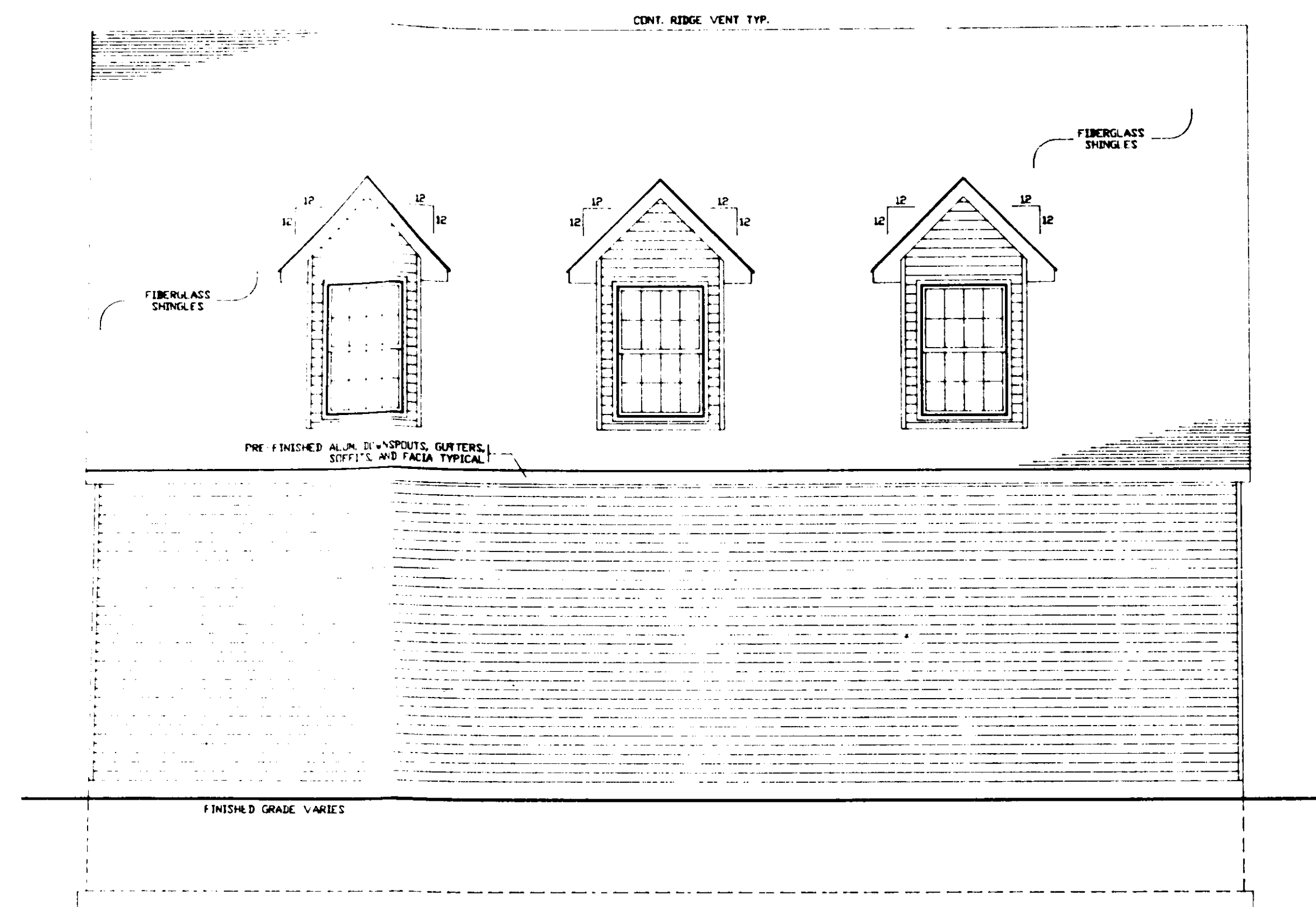
JLB

8/5/93

John Henthorn came in to discuss the file. He requested a description of the property + noted that petitioner is relocating existing garage away from the house. He was over the site plan + photos. I am persuaded to approve up public hearing. OK to grant. No dwelling accessory structure + no commercial use. garage use.

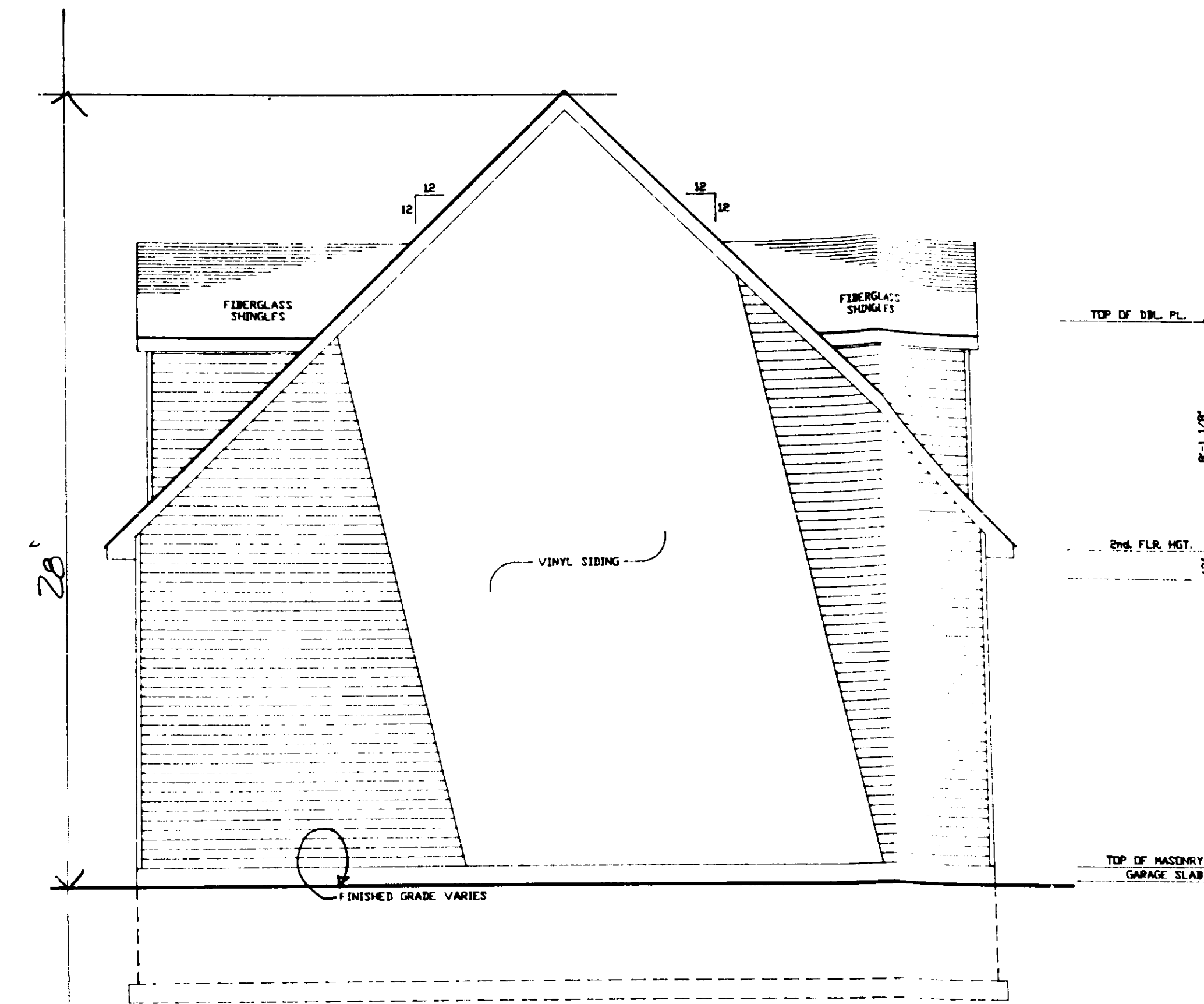






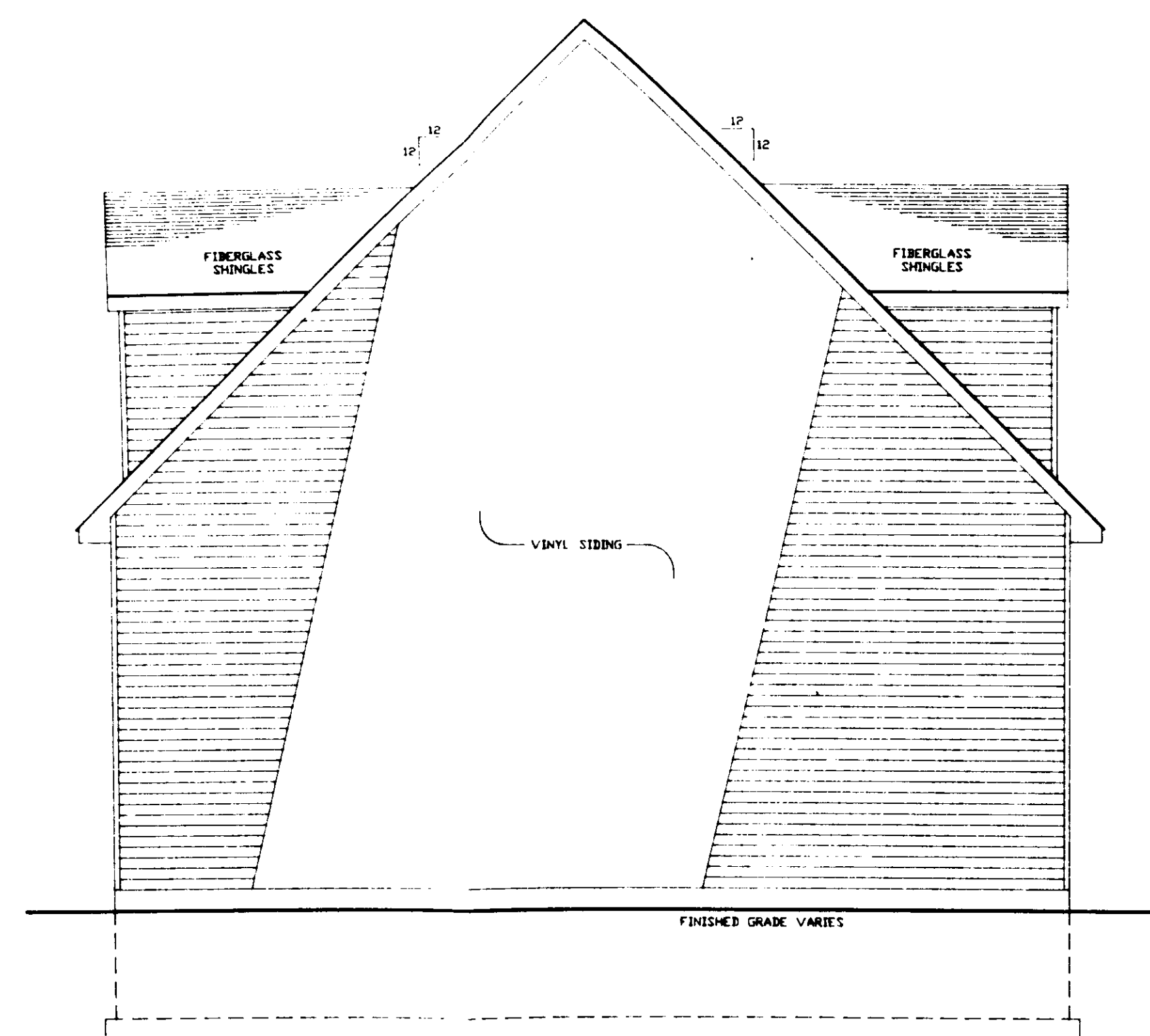
REAR ELEVATION

SCALE: 1/4" = 1'-0"



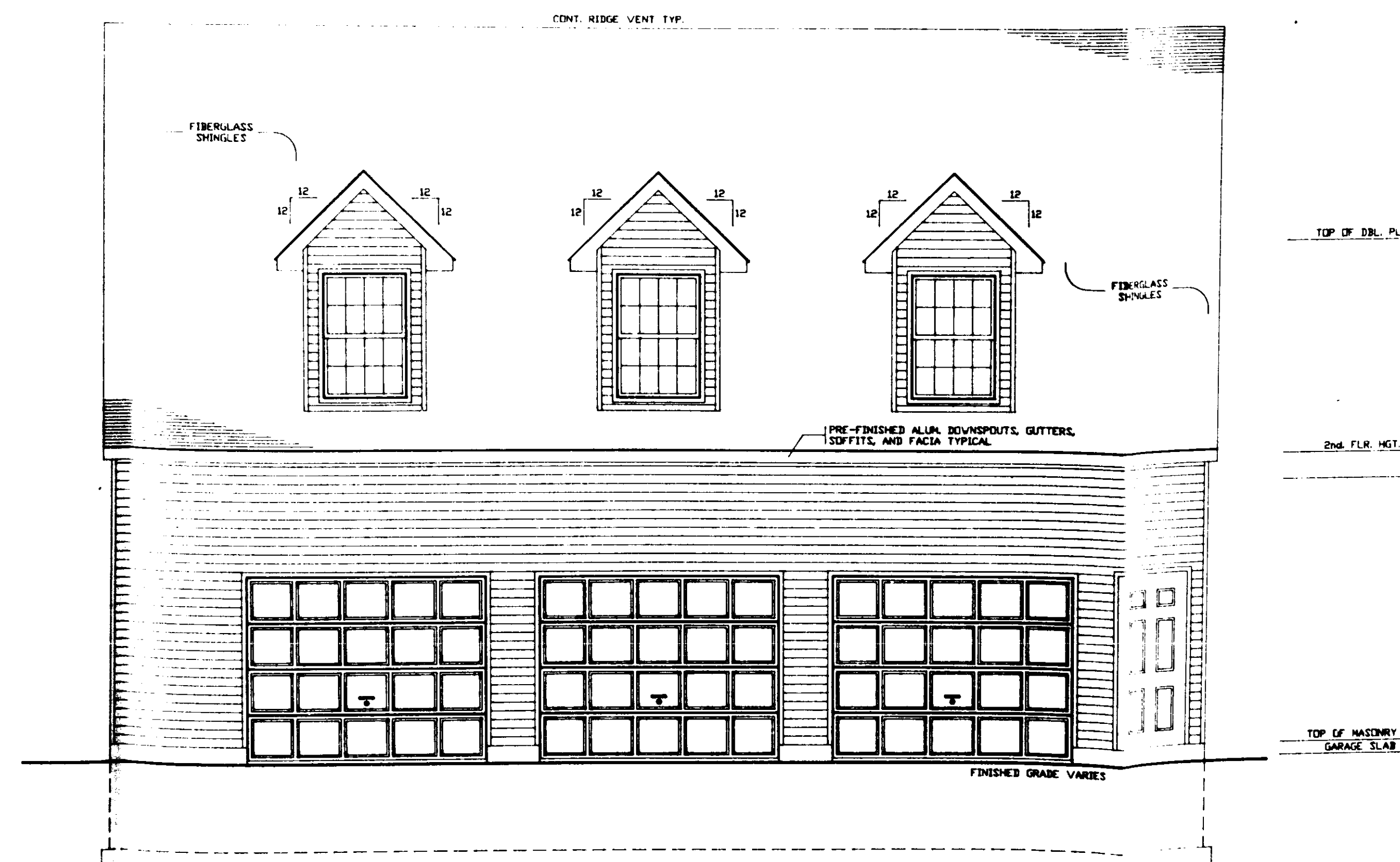
LEFT ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

DISK NO.
VN002

ABA
AUTOMATED DRAFTING & DESIGN

PROPOSED GARAGE SHOP
BATER BROOK FARM

REVISIONS

DATE
4-29-1993

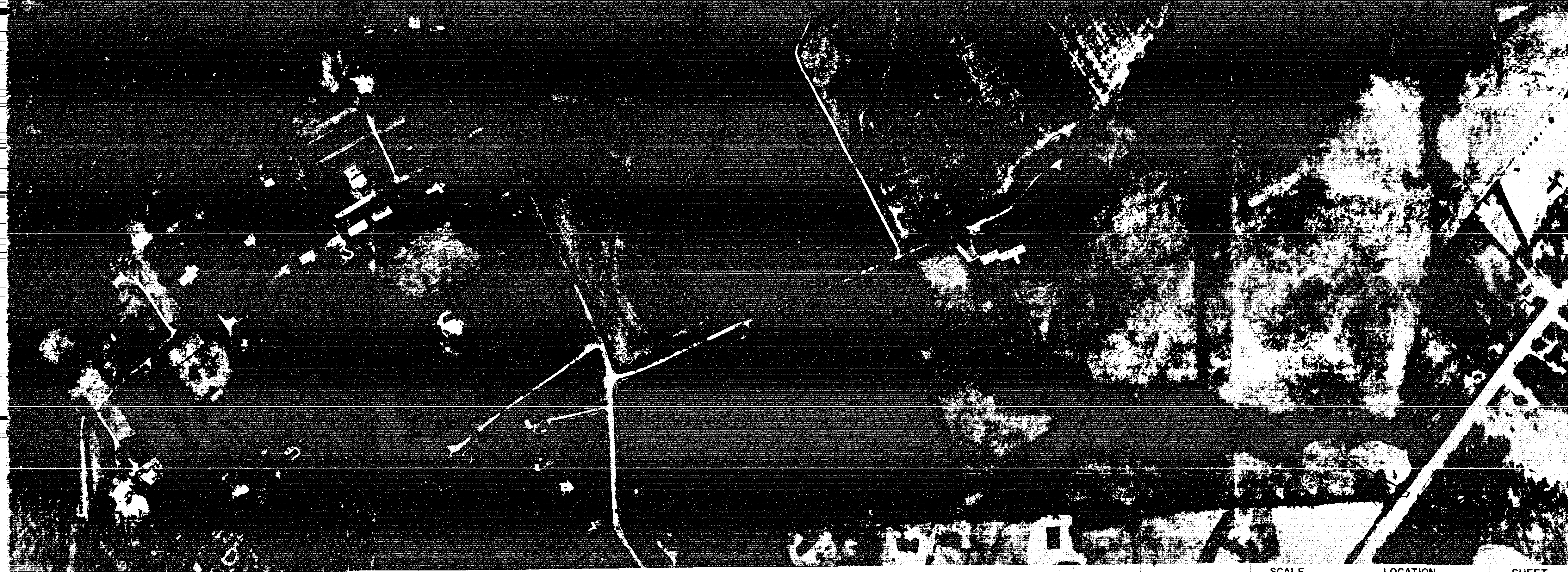
SHEET NO.

A-1

94-8-A

ITEM#9

ALL DIMENSIONS ARE APPROXIMATE

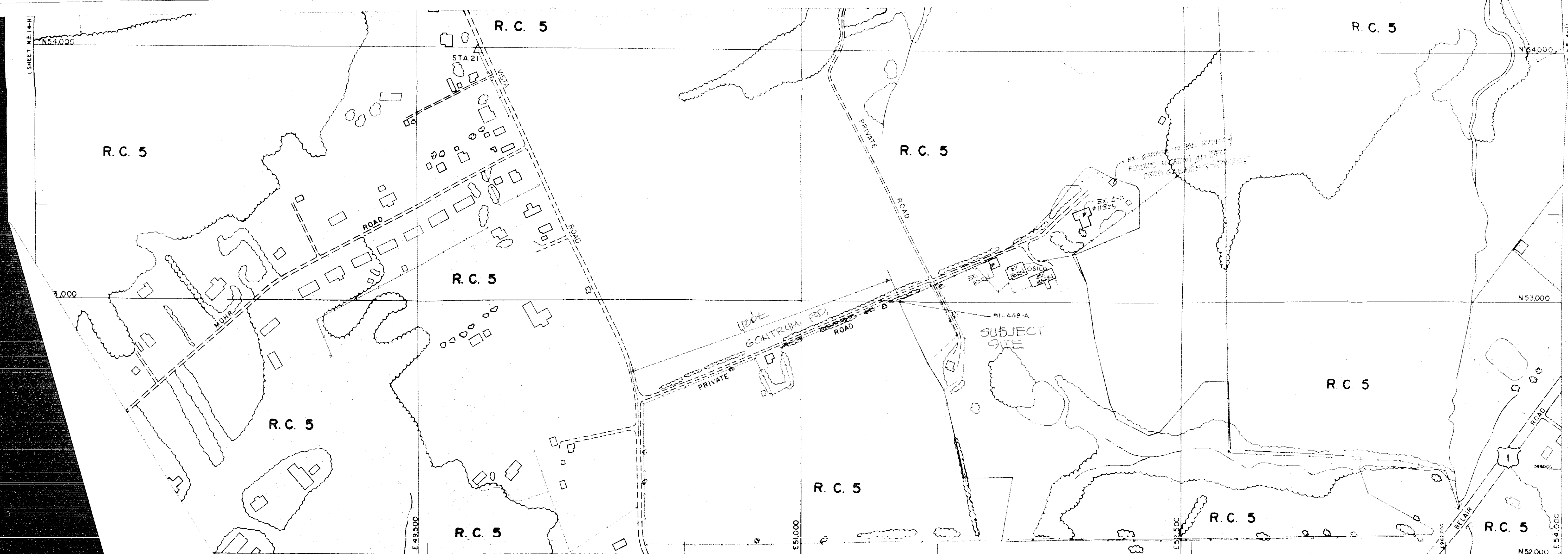


Q4-8-A

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

SCALE 1" = 200' ±	LOCATION WEST OF KINGSVILLE	SHEET N.E. 14-I
DATE OF PHOTOGRAPHY JANUARY 1986	ITEM #9	

PHOTOGRAPHED BY AIR PHOTOGRAPHICS, INC.
REURR, W.V. 25401



~~1988 COMPREHENSIVE ZONING MAP~~
~~Adopted by the Baltimore County Council~~
~~Oct. 11, 1988~~
~~Ord. Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88~~
~~*John F. [Signature]*~~
~~Chairman, County Council~~

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Ord. Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92
William Howard IV
Chairman, County Council

SCALE 1" = 200' ±	LOCATION WEST OF KINGSVILLE	SHEET N.E. 14-I
DATE OF PHOTOGRAPHY JANUARY 1986	ITEM #9	